

SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD

EXECUTIVE OFFICER'S REPORT

March 10, 2004

PART A

SAN DIEGO REGION STAFF ACTIVITIES *(Staff Contact)*

1. **Regional Board Office Space Provided to Department of Toxic Substances Control Staff** *(Michael McCann)*

The Regional Board has provided available office space to nine staff members of the Calif. Department of Toxic Substance Control (DTSC), another CALEPA agency. The DTSC staff, who moved in on February 27, will share with Regional Board staff most of the main features of the office.

2. **Presentations at the Annual SAM Update Meeting** *(John Anderson and Julie Chan)*

At the request of the Steering Committee of the San Diego County Department of Environmental Health's Site Assessment and Mitigation (SAM) group, John Anderson gave a presentation titled "Annual Regulatory Update: A Review of Significant Changes in 2003 and What to Expect in 2004" at the Annual SAM Update Meeting. The meeting was held at the Town & Country Hotel in Fashion Valley on February 18. Mr. Anderson presented and discussed the new regulations that became effective after January 1, 2004, that affect the California Water Code and other regulations that the Regional Board implements. Approximately 120 environmental attorneys and consultants attended. Julie Chan gave a brief presentation at the SAM Update on the relatively new statewide general waste discharge requirements for discharges to land with a low threat to water quality contained in Order WQO No. 2003-0003-DWQ. The WDRs were of interest to the groundwater cleanup community because the WDRs include provisions for disposing of monitoring well purge water and drilling wastes on site.

PART B

SIGNIFICANT REGIONAL WATER QUALITY ISSUES

1. **Sanitary Sewer Overflows (SSO)** *(Charles Cheng, David Hanson, Bryan Ott, Victor Vasquez)*
(Attachment B-1)

From February 1 to February 29, 2004, there were 36 sanitary sewer overflows (SSOs) from publicly-owned collection systems reported to the Regional Board office; 21 of these spills reached surface waters or storm drains of which five resulted in closure of recreational waters. Of the total number of overflows from public systems, nine were 1,000 gallons or more.

Eight sewage overflows from private property in February were also reported; one overflow was 1,000 gallons or more; four reached surface waters or storm drains; and none resulted in closure of recreational waters.

A total of 2.81 inches of rainfall was recorded at San Diego's Lindbergh Field in February 2004. For comparison, in January 2003, 0.02 inches of rainfall was recorded, and 34 public SSOs were reported. Also for comparison, in February 2003, 4.88 inches of rainfall were recorded and 30 public SSOs were reported.

Attached is a table entitled "Sanitary Sewer Overflow Statistics," updated through February 29, 2004, which contains a summary of all sanitary sewer overflows (by FY) from each agency since FY 2000-01. From July 1, 2003 through February 29, 2004, approximately 88.6 billion gallons of sewage was conveyed of which approximately 8.0 million gallons was spilled (0.009%).

For additional information on SSOs in FY 2002-2003 see the table entitled "Public SSO Statistics Summary for FY 2002-2003 (July 1-June 30)" attached to the February 2004 Executive Officer's Report (available on the Regional Board's website www.swrcb.ca.gov/rwqcb9).

Three Notices of Violation (NOV's) were issued in February for recent significant overflows. One significant overflow occurred during the month of February for which enforcement action is pending. The NOV's issued and the significant overflows are described below:

City of San Clemente

NOV No. R9-2004-0056

The City of San Clemente (City) notified this office of a 1,050-gallon overflow from the City's wastewater collection system at the intersection of West El Portal and Buena Vista in San Clemente that occurred on January 18, 2004. The City reported that this overflow occurred due to a blockage caused by a plastic pipe lodged inside a maintenance hole. The City reported that the overflow entered a storm drain and the Pacific Ocean. A report from the County of Orange Health Care Agency indicated that this overflow resulted in the closure of ocean recreational waters adjacent to the El Portal access point beach in San Clemente to prevent public contact with waters that may have been impacted by the overflow.

The City of Oceanside

NOV No. R9-2004-0057

The City of Oceanside (City) notified this office of a 6,800-gallon sanitary sewer overflow (SSO) that occurred on February 2, 2004 from the City's wastewater collection system from an easement manhole at the 200 block of Frazee Road. The City reported that vandals had deposited rocks and other materials in an unlocked easement manhole, which resulted in a sewer line blockage and subsequent SSO. The City reported that the majority of the overflow was recovered with a small portion soaking in to the ground.

The City reported that the manhole lids in the easement where this SSO occurred would be replaced as part of the City's locking lid program to protect easement lines.

The following significant overflows may consider further enforcement action:

City of San Diego

The City of San Diego (City) notified this office of a 4.9 million-gallon sanitary sewer overflow, of which 290,000 gallons was reportedly recovered, that occurred on February 22 and 23, 2004 near the intersection of 20th Street and B Street resulting in a discharge to the San Diego Bay. The overflow, reported by the City to be caused by rocks in a 24-inch diameter 40-year-old vitrified clay main, resulted in the posting of signs warning of sewage contamination throughout the bay including Silver Strand State Beach, Glorietta Bay and Tidelands Park in Coronado, Bayside Park at J Street in Chula Vista, Spanish Landing near harbor Drive, and from Kellogg Street to Owen and Bessemer streets in Point Loma. At this time, staff plans to issue a notice of violation as well as a 13267 demand for additional information.

South Coast Water District

NOV No. R9-2004-0055

The South Coast Water District (District) notified this office of a 21,000-gallon overflow from the District's wastewater collection system at 33801 Niguel Shores Drive that began on December 27, 2003 and terminated on January 1, 2004. The District reported that this overflow resulted from a line break in a collection system force main which was initially incorrectly identified by the District as a recycled water line. The incorrect identification of the failed force main resulted in a significant delay in stopping the sewage overflow. The District reported that the overflow entered a storm drain and the Pacific Ocean. A report from the County of Orange Health Care Agency indicated that this overflow resulted in the closure of ocean recreational waters adjacent to a portion of Dana Strands beach in Dana Point to prevent public contact with waters that may have been impacted by the overflow. The District reported that it would revise its Sanitary Sewer Overflow Prevention Plan to facilitate appropriate response by both its sanitary and water crews to reports of spills.

2. Clean Water Act Section 401 Water Quality Certification Actions Taken in February 2004 (Stacey Baczkowski)

DATE	APPLICANT	PROJECT TITLE	PROJECT DESCRIPTION	CERTIFICATION ACTION ¹
2/5/04	City of San Diego, Metropolitan Wastewater Dept.	I-15 and Adams Emergency Sewer Repair	Emergency cleaning and repair of approx. 3,358 linear feet of existing sewer line within the Normal Heights area of the City of San Diego.	Conditional
2/5/04	City of San Diego, Metropolitan	Hopkins Canyon Emergency Sewer Repair	Emergency cleaning and repair of approximately 3,613 linear feet of sewer mains in Hopkins Canyon.	Conditional

	Wastewater Dept.			
2/11/04	Caltrans	I-5/San Juan Creek Scour Repair	Repair scour of piers 2 and 3 of an existing bridge over San Juan Creek in the City of San Juan Capistrano.	Withdrawn by Applicant
2/17/04	Gregory and Kerri Hann	Subdivision Of Lot 14, Tract #14756	Subdivide lot 12 into 2 - two and a half acre lots for the creation of 2 single-family residential building pads.	State Board Certified NWP
2/20/04	City of San Marcos	San Elijo Road - County Dip Segment	Widen and realign an existing portion of San Elijo Road to relieve current and future traffic congestion in the region.	Conditional
2/25/04	Caltrans	Otay Mesa Border Truck Crossing Widening Project	Construction of a new 130-foot wide connector lane at the northbound cargo border crossing.	Conditional
2/26/04	Lake Elsinore Unified School District	Ronald Regan Elementary School Project	Construction of a new elementary school on a 14-acre site.	Conditional
2/26/04	Eastern Municipal Water District	First Street Sewer Crossing	Installation of 30-inch steel casing for a new 15-inch sewer crossing over Murrieta Creek.	Conditional

¹ Standard certification is issued to projects that have minimal potential to adversely impact water quality. Conditional certification is issued to projects that have the potential to adversely impact water quality, but by complying with technical conditions, will have minimal impacts. Denials are issued when the projects will adversely impact water quality and suitable mitigation measures are not proposed or possible. Time expired refers to projects that may proceed due to the lack of an action by the Regional Board within specified regulatory timelines.

Public notification of pending 401 Water Quality Certification applications can be found on our web site at http://www.swrcb.ca.gov/rwqcb9/Programs/Special_Programs/401_Certification/401_certification.html.

3. Wetland and Stream Mitigation Study (Megan Quigley)

In October 2003, the Regional Board received federal funding from the USEPA to conduct a study of wetland and stream mitigation sites in the Santa Margarita watershed that have been required as part of the Clean Water Act Section 401 Water Quality Certification (WQC) program. The purpose of the project is to improve the effectiveness of the WQC program by assessing mitigation sites to determine what types have succeeded or failed and why. Objectives include estimating the net loss of waters of the U.S. that has occurred, creating a map of mitigation sites, and developing more scientifically based guidelines and conditions to improve the enforceability and success of WQCs. The project will also provide a mechanism to conduct follow up on non-compliant sites, which we have not previously had the resources to do. Megan Quigley, of the Northern Watershed Protection Unit, is overseeing the 2-year grant project, which

includes a student assistant, Jeff Warner, who was selected to work on the study. During the first quarter, which ended January 27, 2004, Jeff Warner identified approximately 65 sites in the Santa Margarita watershed that will be included in the study. Site assessments are scheduled to begin this October.

4. Aliso Creek Watershed (*Jeremy Haas*)

On January 31, 2004, the Aliso Creek watershed municipalities (County of Orange and Cities of Aliso Viejo, Laguna Beach, Laguna Hills, Laguna Niguel, Laguna Woods, Lake Forest, and Mission Viejo) submitted the eleventh quarterly progress report for the March 2001 Directive for an Investigation of Urban Runoff in the Aliso Creek watershed. This period covers October, November, and December 2003. The report includes monitoring data, activities undertaken during the quarter, and planned actions for each copermittee. Receiving water data continue to show extensive exceedances of REC-1 and REC-2 objectives, while reiterating seasonal trends in bacteria levels that display highest counts in summer and lowest counts in winter.

Dry-weather storm drain discharges continue to impact receiving waters throughout the watershed. Receiving waters downstream of stormdrain outfalls tend to meet REC-2 objectives about half the time. The open space area in the lowermost portion of the watershed shows better water quality than the urbanized portions. In Fall 2003, ocean water in the surfzone met the REC-1 objective in October and November, and the creek mouth that flows to the beach met the REC-2 objective in October.

One objective of the bacteria-monitoring Directive was to ensure that control actions would be implemented and assessed for water quality improvement. The inland cities are implementing Action Plans for the highest priority drains within the context of their jurisdictional storm water programs. The permittees report that 256 inspections were conducted during the quarter, and that these inspections have been critical in finding and halting illicit discharges and preventing potential discharges from restaurants, auto shops, nurseries and other commercial land uses. During the quarter a few cities reported conducting BMP evaluations that focused on catch basin inlet filters/screens and constructed wetlands in residential and commercial land use areas.

The permittees have proposed monitoring plan revisions to target monitoring data collection on the open space areas subject to highest recreational use and on the highest priority stormdrains. The proposed plan includes four stations in the lower watershed to monitor long-term trends in areas subject to contact recreation and six stations at priority drain outfalls to monitor BMP effectiveness. Data would only be collected during the summer months. As the revised monitoring program is implemented, permittees will be pursuing activities described in their Jurisdictional Urban Runoff Management Plan (JURMP) and Watershed Urban Runoff Management Plan (WURMP) pursuant to Regional Board Order No. R9-2002-01 (the areawide municipal storm water NPDES permit). The JURMPs serve to guide the individual actions of each permittee, and the WURMP guides the collective actions by the permittees within the watershed.

The Regional Board will meet with the Aliso Creek watershed Permittees in March to discuss the monitoring revisions and JURMP implementation. An assessment of the revised monitoring program will be included in a future Executive Officer report.

5. Grants Update *(Dave Gibson) (Attachment B-5)*

The State Water Resources Control Board (SWRCB) conducted a workshop on February 3, 2004 on the Consolidated Watershed Protection, Watershed Management, and Non-Point Source Pollution Control Grants (Consolidated Grants) and adopted a resolution awarding funding to 33 grant proposals (Attachment B-5). The highest scored proposals in these programs that were both technically and contract ready were presented for approval. Of the 14 San Diego Region Proposals, 10 were both technically and contract ready and were approved for funding. Applicants who submitted proposals with unresolved contract or technical readiness issues submitted the revised proposals on March 5, 2004. These proposals will be considered by the SWRCB in a June 2004 workshop. The SWRCB will consider proposals recommended for funding in the Proposition 13 and 50 CALFED/Bay Delta programs at a later workshop.

Including the 10 new projects and 4 pending projects, the San Diego Regional Board is now managing 47 grant-funded projects in the region from the federal 319(h) Non-Point Source Pollution Control and Proposition 13 grant programs worth approximately 57 million dollars (Attachment 2). Two of these projects (No. 19 – Regional Wetlands and Watershed Management Plan for Coastal Southern California- and No. 33 – Wetland Capture and Treatment Network (WetCAT)) have been successfully completed and will be closed out in March. The remaining Proposition 13 grants awarded in 2001 are scheduled for completion by March 31, 2005. The 2002 and 2003 Proposition 13 grants will be completed by March 31, 2006 and March 31, 2007, respectively.

6. Clean Beaches Initiative *(Dave Gibson) (Attachment B-6)*

On July 27, 2001, Governor Gray Davis signed the Budget Act of 2001 initiating Phase I of Clean Beaches Initiative (CBI) Grant Program with \$32.3 million from Proposition 13 to implement 38 specific projects statewide including 10 projects in the San Diego Region. The projects address postings and closures at California public beaches caused by bacterial contamination. To date, the SWRCB has committed approximately \$21 million to these projects (Attachment B-6).

To fund the second phase of the CBI, Proposition 40 (the Watershed, Clean Beaches, and Water Quality Act) was signed into law on September 20, 2002. The Act appropriated an additional \$46 million from Proposition 40 for additional CBI grants to help local agencies, non-profit organizations, and public agencies implement projects that protect and restore California's coastal water quality. The SWRCB has recently compiled and prioritized a list of Clean Beaches Initiatives proposals for 251 projects (Final Prop 40 Priority List - <http://www.swrcb.ca.gov/cwphome/beaches/index.html>) totaling over 320 million dollars. Fifty-one of these proposed projects are in the San Diego Region. The SWRCB will consider these projects at a later workshop.

7. San Diego Region Wildfires Update (*Stacey Baczkowski*) (*Attachment B-7*)

San Diego County municipal storm water copermittees affected by the October 2003 wildfires continue to actively address erosion and sediment issues. While mudslides have been reported in the San Diego Country Estates, Crest, and Valley Center areas as a result of the recent rains, there have been no known significant impacts to water bodies or water quality in these or other burned areas.

The Regional Board sent letters of appreciation to the County of San Diego, City of Poway, and California Department of Transportation for their prompt and effective efforts to protect water quality following the wildfires (*Attachment B-7*).

8. 14-Mile Border Infrastructure System (*Phil Hammer*)

The Regional Board has received an application for 401 Water Quality Certification from the U.S. Border Patrol for the 14-Mile Border Infrastructure System. A 401 Water Quality Certification is required when a project proposes to discharge fill material to waters of the U.S. The Border Infrastructure System project is proposed to fill approximately 10 acres of waters of the U.S., including riparian areas and coastal salt marsh.

The Border Infrastructure System starts at the Pacific Ocean side of the U.S./Mexican Border in San Diego and extends approximately 14 miles inland. The project is divided into six areas. Approximately nine miles in Areas II, III, and IV of the infrastructure system have been completed or are currently under construction. 401 Water Quality Certifications have previously been issued for those portions of the project; impacts to waters of the U.S. in those areas were of a significantly smaller magnitude.

The current project proposal is for completion of the infrastructure system in Areas I, V, and VI. Areas V and VI are nearest the Pacific Ocean, while Area I is furthest inland. A primary fence currently secures the U.S./Mexican Border. The proposed project would generally consist of a secondary fence, a patrol road between the primary and secondary fences, a tertiary fence, a maintenance road between the secondary and tertiary fences, lights, and "Integrated Surveillance and Intelligence System" components. The width of the corridor between the primary and secondary fences in relatively level areas would typically be 130 feet, with an additional 20 feet between the secondary and tertiary fences. Of note, in Smuggler's Gulch the project is proposed to include an extensive 1.85 million cubic yards buttress fill, with a maximum fill height of 160 feet above existing grade, a north to south fill width of 800-900 feet, and a canyon fill width of approximately ½ mile (east to west). A total of 4.3 million cubic yards of grading (counting both cutting and filling) is proposed within Smuggler's Gulch. The Tijuana River estuary, located downstream of Smuggler's Gulch, is significantly impacted by excessive sediment, making erosion control of this proposed massive grading a principal issue, in addition to the issue of extensive filling of waters of the U.S.

The U.S. Border Patrol application for 401 Water Quality Certification for this project is currently incomplete. The Regional Board has notified the U.S. Border Patrol of the

information needed for the application to be complete. Once the requested information is received, the Regional Board has 30 days to determine the completeness of the application. After the application has been found to be complete, the Regional Board generally has 60 days to take action on the application. 401 Water Quality Certifications are typically acted upon by the Executive Officer, but because of the proposed project impacts and controversy over the project, it is likely to be brought before the Regional Board for consideration.

9. Industrial Storm Water Program at the San Diego Regional Board *(Tony Felix)*

At the start of 2003 fiscal year, the San Diego Regional Water Quality Control Board (SDRWQCB) initiated a joint and coordinated inspection effort with the Municipal Separate Storm Sewer System copermittes within San Diego County and Orange County. This ongoing effort includes notifying the copermittees about upcoming industrial inspections within their jurisdictions, performing joint inspections, and exchanging inspection reports. According to Section F.3.b in the San Diego County Municipal Storm Water Permit (Order No. 2001-01), high priority industrial inspections conducted by the copermittes would satisfy the inspection requirements of the SDRWQCB. Coordinated inspections have been conducted with the cities of Carlsbad, Escondido, Oceanside, National City, Poway, San Diego, San Marcos, Santee, Vista and Lake Forest in the County of Orange. The County of Orange is currently in the process of enhancing their Industrial Storm Water Program based on joint coordinated efforts with inspectors of the SDRWQCB. On March 30, 2004, the County of Orange has scheduled a "hands-on" industrial facility inspection training exercise for the permittees. The SDRWQCB has been invited to participate in this exercise to provide assistance in implementation procedures and to be available to answer questions.

Coordinating inspections with the Municipal Separate Storm Sewer System copermittes will reduce the chance of duplicate inspection efforts and help ensure consistency with the SDRWQCB inspection procedures and evaluations. The City of San Diego has inspected and submitted inspection reports for twelve regulated facilities; the City of Oceanside has inspected all thirteen industrial facilities that were scheduled for inspection. The City of Escondido has inspected thirteen of the fifteen facilities that were scheduled for inspection and the Cities of Carlsbad and Poway have inspected six and twelve of the facilities respectively, that were scheduled for inspection.

Two hundred and sixty facilities were selected for industrial inspections and one hundred of those were prioritized as potential high threat to water quality. So far, thirty-seven potential high threat facilities have been reinspected with completed follow-ups, which may consist of document reviews, corrective work-plan submittals, and enforcement re-inspections. The remaining sixty-three facilities will be scheduled for later inspection, which will be coordinated with the copermittes to satisfy the inspection inventory of their Jurisdictional Urban Run-off Management Plan (JURMP) requirements.

By July 1 of every year, pursuant to the requirements of Order No. 97-03-DWQ, regulated facilities are required to submit their 2002-2003 annual reports to account for the entire

year, including dry and wet weather visual observations and storm water monitoring. Approximately six hundred and seventy (more than 93%) regulated facilities within the San Diego region submitted annual reports for review and evaluation. The reports include summaries of discharge visual observations and storm water discharge monitoring. The dischargers also submit evaluations of the visual observations, monitoring analyses, and the annual comprehensive site compliance evaluation. Report reviews are prioritized for inspection based on the need for compliance assistance, elevated constituents that may be a threat to water quality, failure to implement Best Management Practices (BMPs), and submittals of incomplete annual reports.

Five workshops have been conducted by the Regional Board which included presentations to the San Diego County Office of Education, Industrial Environmental Association (twice), the San Diego County Waste Haulers Association, and the San Diego County Automobile Recyclers Association. Some of the concerns addressed include the schedule to adopt the tentative permit, the changes in the tentative permit and how those changes will affect the industrial dischargers, the increased annual fees, and other compliance related issues.

10. Duke Energy, South Bay Power Plant – Status of NPDES Permit Renewal (*Hashim Navrozali*)

On May 4, 2001 Duke Energy submitted an application for renewal of the NPDES permit for the South Bay Power Plant (SBPP) (Order No. 96-05, NPDES Permit No. CA0001368). Order No. 96-05 expired on November 14, 2001 but has remained in effect until the Regional Board adopts a renewal NPDES permit. Tentative Order No. 2001-283, renewing the NPDES permit for SBPP, was initially considered by the Regional Board at a public hearing on December 12, 2001. During the December 12, 2001 public hearing the Regional Board heard oral testimony, but decided to delay action on the tentative Order until a future meeting. The tentative NPDES renewal permit is currently being re-written and is expected to be presented for the Regional Board's consideration at its regularly scheduled Board meeting on August 11, 2004.

The Regional Board considered all written and oral testimony provided by the public and various environmental resource agencies regarding tentative Order No. 2001-283. Based on a review of additional ambient water quality data for south San Diego Bay and further consultations with resource and regulatory agencies, including the U.S. Fish and Wildlife Service, the California Department of Fish and Game, and the U.S. EPA, the Regional Board concluded that that previous studies conducted by Duke Energy to assess the impact of the intake structures and discharge on water quality objectives and the designated beneficial uses of south San Diego Bay did not fully represent existing conditions in south San Diego Bay and operational parameters at SBPP. Furthermore, the studies did not demonstrate full compliance with Sections 316 (a) and 316 (b) of the Clean Water Act (CWA).

On May 24, 2003 the Executive Officer issued a California Water Code (CWC) Section 13267 letter to Duke Energy directing it to conduct six studies to assess the impact of the

intake structures and the discharge from the South Bay Power Plant (SBPP) on the biological resources and beneficial uses of south San Diego Bay and to verify compliance with CWA Sections 316(a) and 316(b). Following is a list of the required six studies:

- Updated Discharge Impact Assessment Study for Compliance with CWA Section 316(a).
- CWA Section 316(b) Updated Comprehensive Demonstration Study – Intake Structures.
- Updated Eelgrass Study.
- Updated Dissolved Oxygen Assessment Study.
- Investigation of Compatibility of Discharge with the Goals of the South San Diego Bay National Refuge.
- Special Sunset Study. The purpose of this study is to identify the effects of any proposed changes in plant operations on the beneficial uses of south San Diego Bay. This study will be initiated when a decision is made to construct a new power plant, terminate the discharge, or to make major modifications to reduce the amount of heat discharged to south San Diego Bay.

Duke Energy commenced implementation of the studies in December 2002. The studies were conducted over one complete annual cycle and ended in December 2003. The final technical reports for the studies will be submitted to the Regional Board in March 2004.

The Regional Board will provide copies of the final technical reports to resource agencies, environmental groups, and interested parties for their review. The Regional Board will also be forwarding copies of the final technical reports to Regional Board's contractor, Tetra Tech, for its review and comment. Tetra Tech will be independently evaluating the results of the studies and making a determination whether or not the studies demonstrate compliance with CWA Sections 316(a) and (b). Tetra Tech may also provide recommendations to the Regional Board to incorporate specific discharge limitations and monitoring requirements into the renewal NPDES permit.

11. Southern California Edison, San Onofre Nuclear Generating Station – Status of NPDES Permit Renewal (*Hashim Navrozali*)

Southern California Edison (SCE) owns and operates the San Onofre Nuclear Generating Station (SONGS) consisting of three operating facilities, Unit 1, currently being decommissioned, and Units 2 and 3. The three Units are regulated under three individual Orders. Order Nos. 99-47 and 99-48 for SONGS Units 2 and 3, expiring on August 11, 2004, serve as NPDES permits and regulate the discharges of once-through cooling water and other low volume wastes from SONGS Units 2 and 3 to the Pacific Ocean.

The NPDES permit for SONGS Unit 1 (*Order No. 2000-04*) will expire on February 9, 2005. SONGS Unit 1 is currently being decommissioned by SCE but will continue to be subject to NPDES permitting requirements because of discharges of secondarily treated domestic sewage and cooling water used to remove waste heat from the spent fuel pool.

The Regional Board proposed, and SCE agreed, to renew the NPDES permit for Unit 1 concurrently with the permit renewals for Units 2 and 3. This would allow the three SONGS Units to have the same expiration date and make the permitting process more efficient and timely. By letter dated November 14, 2003 the Regional Board directed SCE to submit NPDES renewal applications for all three Units no later than February 13, 2004, and by that date, SCE submitted the three applications.

The applications included a request for five proposed changes to the SONGS NPDES permits. The five proposed changes are: 1) consolidation of the three permits into a single permit; 2) termination of offshore coliform monitoring; 3) termination or changes to offshore transmissivity monitoring; 4) modification of the heat-treatment criteria; and 5) modifications to the circulation water temperature monitoring.

The Regional Board is currently evaluating SCE's NPDES renewal applications for completeness. If the applications are deemed complete, the Regional Board will proceed with the preparation of tentative waste discharge requirements for the SONGS Units. At this time, tentative NPDES renewal permits for the SONGS Units are scheduled to be presented for the Regional Board's consideration at its regularly scheduled Board meeting on September 8, 2004.

12. San Diego Bay Report by the City of San Diego (*Pete Michael*) (*Attachment B-12*)

The City of San Diego Metropolitan Wastewater Department released a report in February on the results of San Diego Bay water quality sampling during 1998: *An Ecological Assessment of San Diego Bay: A Component of the Bight'98 Regional Survey* which was prepared by the Environmental Monitoring and Technical Services Division, Ocean Monitoring Program. This monitoring effort by the City was part of the Bight'98 regional marine monitoring program for the Southern California Bight sponsored by the Southern California Coastal Water Research Project (SCCWRP). There were 62 participating organizations in the Bight'98 sampling project, including the San Diego Regional Board. Sampling took place during the summer of 1998 between Point Conception in the north and Cabo Colonett located south of Ensenada in Baja California, Mexico.

Regional Board members have been provided copies of the City's San Diego Bay report as an attachment to this executive officer report. An electronic version is posted on the San Diego Regional Board website, <http://www.swrcb.ca.gov/rwqcb9/> (click on *Units/Programs, Bay Cleanup*).

This report documents general improvements in the occurrence of certain chemicals and improved health of animal communities found in San Diego Bay. Further long-term sampling efforts would be needed to document the relationship between chemistry, animal health, and displacement of native species by non-indigenous species. The City observes that the primary influence on the presence of species is distance from the ocean and that human influences are of secondary importance.

The City and the Regional Board agreed to a \$300,000 San Diego Bay sampling effort in 1996 and 1997. This project report concludes a supplemental environmental project (SEP) and partially implements the coordinated monitoring framework proposed by the San Diego Interagency Water Quality Panel (Bay Panel) in its 1998 *Comprehensive Management Plan*. The Bay Panel's coordinated monitoring framework for San Diego Bay called for baseline and trend sampling.

The City's December 2003 report incorporates sampling data acquired under the broader Bight'98 monitoring program and compares water quality to nine other bays in southern California. The City provided staff and equipment for boat cruises, lab work, analyses, and reporting. Services provided included sediment chemistry sampling and analysis, fish and megabenthic invertebrate trawling, animal sorting and taxonomy, animal dissection, and fish tissue analysis.

There were 46 sediment chemistry and macrobenthic community stations with analyses for metals, pesticides, PCBs, and PAH (organic "ring" compounds derived from fossil fuels); 16 trawl stations, and 24 fish bioaccumulation stations. The monitoring effort included identification of over 38,000 macrobenthic organisms identified from bottom grabs; 349 fish and over 1,110 megabenthic invertebrates identified from trawls; and chemical analysis of tissues in five species of fish. The identification of bay invertebrates required an intensive quality assurance and quality control effort because of the lack of standardized methods for identifying native and introduced animal species found in southern California harbors. Lab and field manuals for Bight'98 may be downloaded from <http://www.sccwrp.org/>.

In general, San Diego Bay was found to have similar characteristics to other bays. Other findings include:

- Some industrial and maritime-related chemicals such as antimony, mercury, copper, and PAHs in San Diego Bay sediment were relatively high compared to other bays; however, the Bay had lower contaminant loads for most constituents, including PCBs, chromium, zinc, and pesticides.
- Non-indigenous animals accounted for 24 percent of the total number of macrobenthic individuals found in sediment. The Bay had similar fauna to other bays. A non-indigenous mussel, *Musculista*, was found in such large numbers it altered Bay habitats and affected the distribution of other species.
- Sixteen fish species were caught in trawls and none of the individuals had physical abnormalities. This is in contrast to results from the 1984 to 1988 period in which fin erosion was relatively high in black croaker and barred sand bass.
- The distance from the mouth of the Bay was the dominant influence in determining the distribution of trawl-caught fish and invertebrate species. Whereas central- and south-Bay species were typical of southern California embayments in general, north-Bay species were more similar to those found in open coastal environments and in Los Angeles harbor.

- In whole fish, PCBs and DDT in tissues exceeded predator protection limits. In edible fish portions, only one fish had levels exceeding human health limits for chromium and arsenic.
- Long-term contaminant trends were difficult to determine because of the different equipment available and different procedures used; however, the overall level of contamination appears to have lessened over time. The report cautions that this conclusion is not directly supported by empirical evidence because of different reporting systems used in Bight'98. This reporting method resulted in slightly lower chemistry values for the Bay in samples with very low chemistry concentrations.

The City's San Diego Bay Report follows the Bay Panel's recommendation for documenting San Diego Bay status and trends. Dry season sampling during 2003 for the follow-up Bight'03 regional monitoring program has now been completed and will provide new insight into water quality trends. As more trend data becomes available over the years, the progress of water-quality control efforts should also become evident.

13. Mission Valley Terminal Issues (*Julie Chan, Kelly Dorsey, Sabine Knedlik, and John Phillips*)

This report addresses issues raised by the Regional Board in its discussion at the last Board meeting of the Mission Valley Terminal (MVT) Executive Officer's Report Item. The issues include the following: 1) The City of San Diego's (City) request for an evaluation of Remediation System Efficacy over next 17 months; 2) which discharger is responsible for the MVT cleanup; and 3) the status of SFPP/Kinder Morgan's (SFPP/KM) NPDES toxicity violations.

Remediation System Efficacy

In a report dated February 2004, the City recommended that SFPP/KM fund a third-party performance assessment of the present remediation system and determine the efficacy of contaminant removal over the next 17 months. In two previous letters, the City expressed to the Regional Board that the offsite cleanup must be completed by June 2005 (17 months from now), thus, the significance of the 17- month time period. The City's request was made prior to the submission of SFPP/KM's Summary Report, which proposes treatment system expansion, soil and groundwater cleanup levels, compliance points and milestone dates for completing the active offsite cleanup. SFPP/KM has not proposed to complete the active offsite cleanup by June 2005. However, SFPP/KM considered the City's water supply project in developing the cleanup plan described in the summary report. SFPP/KM believes that its plan will ensure acceptable water quality with respect to petroleum hydrocarbon pollutants for the City's project. In light of the information submitted in the Summary Report, the Regional Board should defer a decision on the City's request until comments on the Summary Report are received from the City, the Regional Board's consultants, and other stakeholders.

Responsibility for Cleanup at MVT

An arbitration decision was handed down March 21, 2003, regarding responsibility for the cleanup at MVT. In this decision, an arbitrator ordered SFPP/KM to assume the

responsibility and the risk related to all future remediation and cleanup work on or under all properties at the MVT, on or under the Qualcomm Stadium lot, and on or under any locations to which existing contamination may spread. As a result of this decision, SFPP/KM is solely responsible for the cleanup of the current contamination at MVT and all off-site areas.

NPDES Toxicity Violations, Status of Compliance

On December 26, 2002, the Executive Officer issued *Investigative Order No. R9-2002-0420, Kinder Morgan Energy Partners, LP o/p SFPP, LP, San Diego 9950 Mission Road, San Diego California*, pursuant to California Water Code Section 13267. The Investigative Order was issued because Kinder-Morgan was in violation of, and continues to be in violation of, the toxicity requirement specified in Order No. 2001-96, a general NPDES permit regulating the discharge of extracted groundwater to Murphy Canyon Creek, a tributary of the San Diego River.

The Investigative Order directed Kinder-Morgan to submit three reports to the Regional Board. Directive No. 1 required the discharger to submit a report on the measures taken to achieve compliance with Order No. 2001-96, including time schedules for implementation of compliance measures and proposed alternative methods of disposal of the extracted groundwater capable of protecting beneficial uses of the receiving waters. This report was due on January 14, 2003. Kinder-Morgan did not submit any definitive alternatives to achieve compliance with the effluent limitations established in Order No. 2001-96. By submitting an incomplete report, the discharger failed to comply with Directive No. 1.

The status report required by Directive No. 2 provided an update on the current Toxicity Identification Evaluation (TIE) work and on the continuing investigation to identify the specific contaminant causing toxicity in the discharge. A preliminary investigation has indicated that toxicity is not a result of ammonia, chlorine, trace metals, and polar or non-polar organic compounds. The discharger reports that the local groundwaters in the Mission Valley area have a naturally occurring high salinity concentration. The discharger has also reported that the data collected from previous toxicity tests indicate that ionic interference may be the primary cause of the toxicity effluent violations. Kinder-Morgan is planning to perform several tests in March and April and will submit the next progress report to summarize these results in May 2004.

Directive No. 3 required Kinder Morgan to conduct an assessment of the water quality and biological conditions of the receiving waters to determine the threat to water quality and the impacts to the receiving waters. The discharger reported that, based on the activities completed for the assessment, there is no evidence that the discharge of treated groundwater from the Mission Valley Terminal is a threat to water quality or is adversely impacting the beneficial uses. The discharger also reported that the current water quality of Murphy Canyon Creek and the San Diego River are highly degraded, primarily by encroachment from development.

The discharge from the Mission Valley Terminal continues to violate the effluent limitation for toxicity. Kinder Morgan has reported a total of 33 additional exceedances of the toxicity limitation since the last enforcement action was taken. The Regional Board will consider an appropriate enforcement action against Kinder Morgan to cease violations of Order No. 2001-96.

14. San Diego County 2003 Beach Closure & Advisory Report (*Christina Arias*)

The County of San Diego Department of Environmental Health (DEH) has recently published its annual Beach Closure & Advisory Report for calendar year 2003. The report summarizes the causes, number, and duration of DEH issued water quality contact "advisories" and "closures" on a countywide basis and by coastal jurisdiction. An "advisory" is the placement of signs at a beach that warns the public against water contact due to the increased risk of illness and is usually the consequence of measured bacteria levels exceeding State water quality standards. Advisories are typically associated with urban runoff and the specific sources of bacteria are often unknown¹. A "General Advisory," which warns the public to avoid contact with all ocean and bay waters for 72 hours, is issued following all rain events greater than .2 inches.

A "closure" is the placement of signs at a beach that informs the public that the area is closed to water contact due to a sewage spill or sewage contaminated runoff that may impact ocean or bay waters. In summary, advisories represent warnings of increased health risk due to wet and dry weather urban runoff flows with often-unknown bacterial sources. In contrast, DEH issues a closure when swimming waters are known to be contaminated by sewage. Under a DEH closure, water contact is prohibited.

According to the DEH report, in 2003 there were 1,115 contamination events causing either beach closures or advisories, of which 493 took place between April 1 and October 31 (dry weather season). For the time period between April 1 and October 31, yearly comparisons of contamination events are presented since 2000. Overall during this time period, San Diego County has experienced a significant decrease in both the number of posting events (closures and advisories) and number of days posted, or duration of event. The number of posting events has decreased from 206 events in 2000 to 123 events in 2003. The number of days posted decreased from 1,156 days in 2000 to 493 days in 2003. Compared to 2002, the numbers of days posted under advisory due to measured exceedances of water quality standards have decreased significantly, while the number of closure events due to sewage releases slightly increased². The number of closure events documented in the DEH report for 2003 is consistent with the number of sanitary sewer overflows reported to the Regional Board during 2003.

¹ During dry weather, DEH advises avoiding contact with runoff from storm drain, river and lagoon outlets as well as ocean or bay waters within 75 feet of an outlet. In addition, 19 coastal outlets are posted with permanent warning signs due to nearly continuous dry weather urban flows.

² According to the DEH report, this increase was primarily attributed to the number of water contact closures issued for south county beaches due to sewage-contaminated flows in the Tijuana River.

The 2003 Beach Closure & Advisory Report also describes various water quality and health risk studies that have taken place in San Diego County. This includes two-ongoing research projects at south county beaches that provide data and enhance DEH's ability to provide accurate notifications of contaminated waters. Specifically, the information from these projects aids in finding sources of contamination and tracking the movement of contaminated ocean waters. This has ultimately allowed DEH to make better-informed decisions regarding when to issue water quality closures for south county beaches due to contaminated flows from the Tijuana Estuary. In addition, the report mentions a study that verified the temporal and spatial extent of contamination of beaches adjacent to lagoons following rain. The study results confirmed the adequacy of the 72-hour General Advisory issued by DEH to avoid ocean water contact following rain.

The 2003 Beach Closure & Advisory Report also describes an ongoing epidemiology study in Mission Bay. The purpose of this study is to assess the health risk associated with swimming in Mission Bay and to assess the relationship between any health risk found and the concentrations of traditional bacteria indicators. The County's report incorrectly indicates that the epidemiology study is coordinated by USEPA. The epidemiology study is in fact being coordinated by the Southern California Coastal Waters Research Project (SCCWRP). Scientists at SCCWRP and the University of California, Berkeley are the two principal investigators. The study is jointly funded by the State Board's Cleanup and Abatement Account and a City of San Diego Supplemental Environmental Project (SEP). The SEP was a result of a sewage spill to Tecolote Creek in February 2001.

To ensure that the epidemiological study is comprehensive and scientifically sound, SCCWRP set up a project Steering Committee comprised of various water quality and public health experts. Your staff, as well as representatives from USEPA, serve on the Steering Committee. It is important to note that USEPA is currently preparing to initiate a national epidemiology study. The national study will look at the health risks associated with swimming at several beaches along the east coast, gulf coast, and Great Lakes. USEPA representation on the Mission Bay Steering Committee will ensure that the methodologies used in both epidemiological studies are similar and that the studies will yield comparable results.

15. Regional Board's Bacteria-Impaired Waters TMDL Projects *(Christina Arias)*

The Regional Board initiated development of a bacteria TMDL for Mission Bay in 2001. To date, efforts have been directed primarily to the oversight of a number of City of San Diego research projects designed to investigate various aspects of the bacterial contamination in Mission Bay. These on-going studies, which total approximately \$8 million, include an epidemiological study, which is described above in the Executive Officer Report, Item 14, entitled "San Diego County 2003 Beach Closure & Advisory Report." On-going studies in Mission Bay also include investigations on contaminant

fate and transport, bacterial source identification, and potential best management practices. Taken as a whole, these studies will greatly enhance the current understanding of the nature and sources of bacteria contamination in Mission Bay and will provide invaluable information to the Regional Board and stakeholders during the development and implementation phases of the Mission Bay Bacteria TMDL.

The Regional Board recently applied for and was awarded significant funding under two federal Clean Water Act grant programs (CWA section 106 and 104(b)(3)) for the development of bacteria TMDLs in the San Diego Region. As a result of this additional funding, we have significantly expanded the scope of our original Mission Bay Bacteria TMDL. We are currently undertaking two major region-wide TMDL projects that together address every bacteria impaired waterbody in the San Diego Region. There are currently 38 waterbodies (or segments of waterbodies) on the Clean Water Act section 303(d) list due to exceedances of water quality standards for bacteria.

The Regional Board's Bacteria-Impaired Waters TMDL Project I for Beaches and Creeks addresses 18 beach segments and inland creeks in the San Diego Region. A preliminary draft of the Technical TMDL report for these 18 waterbodies is complete and currently available for informal public review. A Public Workshop and Stakeholder Advisory Group meeting to present and discuss the Draft Technical TMDL report is scheduled for March 9, 2004, at 1:30 p.m. at the Regional Board office. We are currently scheduled to bring the Bacteria Project I TMDLs before the Regional Board in June 2005.

The companion project, Bacteria-Impaired Waters TMDL Project II for Bays and Lagoons, which is currently in the early planning stages, will address approximately 20 bays, lagoons, and beach segments adjacent to lagoons including Mission Bay and San Diego Bay. TMDLs under this project are tentatively scheduled for Regional Board consideration in June 2006.

Upon completion and eventual implementation of these two major TMDL projects, the Regional Board will have successfully addressed impairments in approximately 50 miles of creeks and coastline and 2000 acres of bays and lagoons representing every currently known bacteria impaired receiving water in the San Diego Region.

16. Supplemental Environmental Project Quarterly Status Report (Rebecca Stewart)
(Attachment B-16)

This is an update to the status report on Supplemental Environmental Projects (SEPs) previously provided to the Regional Board. The SEP summary table (Attachment B-16) provides information we hope is useful regarding the SEP projects such as, the objective, the responsible party and trustee, ACL Order number and monetary amount, watershed, Regional Board contacts, and current SEP status.

There are currently ten active SEPs being monitored by the Regional Board. No new projects have been added since March 13, 2004. One project, the San Diego River Nutrient Study was completed. The City of San Diego submitted the final accounting for that project. The remaining SEPS are generally moving towards completion in accordance with the approved time schedule.

The following discussion is aimed at updating those SEPs with significant activities that may be an issue in the future.

ACL Order No. 2003-0037- (South Coast Water District)

Water Quality Testing Lab at Shorecliffs Middle School

The Surfrider Foundation set up a water quality-testing laboratory in the classroom in October 2003. Quarterly status reports are required to document the progress of the testing and educational efforts associated with this SEP.

Water Quality Testing Program at Laguna Beach High

The Surfrider Foundation continues the support of an existing water quality-testing program at Laguna Beach High School. Quarterly status reports are required to document the progress of the project.

Community Kelp Restoration Project

The \$45,000 funding will be used to expand the existing kelp reforestation project into southern Orange County beginning October 2004 when current funding runs out. Quarterly status reports are required to document the progress of the project.

ACL Order No. 2003-0253 (Shea Homes, Carlsbad)

Agua Hedionda Lagoon Foundation Environmental Enhancement Account

Shea Homes complied with the settlement, by giving \$40,000 to the Agua Hedionda Lagoon Foundation for an Environmental Enhancement project. The Foundation has 18 months (from September 2003) to expend the funds on water quality related activities. Quarterly status reports are required to document the progress of the project.

COMPLETED PROJECTS:

ACL Order No. 2000-103 (Adobe Falls Sewage Spill -City of San Diego)

Beach Valuation Project, City of San Diego

This project was required to be completed by June 2003. In June 2003, the Regional Board notified the Santa Monica Bay Restoration Foundation, the contractor hired to perform the study, that since the project had not been initiated the project was in default, the funds needed to be returned to the State. Subsequently, in September 2003, the

Foundation returned the initial \$262,500 plus \$11,878 in interest and the entire amount was deposited into the State Board's Cleanup and Abatement Account.

San Diego River Nutrient Study, City of San Diego

On November 13, 2003 the City of San Diego submitted the final report for this study. The City has also submitted the final accounting for this project and reported that all funds designated for the SEP were expended on the project.

Storm Drain Sediment Trap at Famosa Slough

The City of San Diego reports that the project has been completed. The City has not submitted a final accounting of all monies spent on the project, as required by Order No. 2000-103.

ACL Order No. 2001-174 (Tecolote Canyon Sewage Spill, City of San Diego)

Mission Bay Contaminant Dispersion Study

The final report on the study conducted by Scripps Institute of Oceanography was submitted in November 2003 and is under review by the Pollutant Load Reduction (TMDL) Unit. The City of San Diego is currently preparing a final accounting of the monies spent to conduct the study and anticipates that approximately \$7,000 accrued interest will be returned to the State for deposit into the State Board's Cleanup and Abatement Account.

ACL Order No. 2001-173 (Encinitas Ranch, Encinitas)

Encinitas Ranch, Construction Stormwater Training

Encinitas Ranch conducted 12 storm water workshops and provided funding to the City of Encinitas to complete the *Cottonwood Creek Urban Runoff Assessment and Action Plan*.

PART C

STATEWIDE ISSUES OF IMPORTANCE TO THE SAN DIEGO REGION

1. *Caulerpa taxifolia* Eradication and Prevention Activities (Chiara Clemente, Lesley Dobalian & Bruce Posthumus)

Pursuant to SWRCB Resolution No. 2001-309, the SDRWQCB recently completed the ninth quarterly (October through December 2003) progress report to the SWRCB on efforts to eradicate infestations of the invasive non-native seaweed *Caulerpa taxifolia* and to prevent new infestations. A copy of the report is attached.

2. Annual Conference of the Southern California Salinity Coalition (*John Robertus*)

John Robertus and Art Coe attended the 2004 Salinity Roundtable Conference on 25 February, sponsored by the Southern California Salinity Coalition. The conference was held at the Chino facilities of the Inland Empire Utilities Agency and was attended by over 60 Southern California water utility, consumer and industry representatives. The objective of the conference was to address problems related to salt impacts on the beneficial uses of surface and ground water in Southern California. Art Baggett, Chairman of the California Water Resource Control Board, addressed the group concerning statewide concerns, and then the Regional Board Executive Officers for the Los Angeles, Santa Ana and San Diego regions presented overview briefings for those three regions. The major effort for the conference was directed to discussions of various issues that cause or contribute to salt loading and how to reduce or eliminate salt sources. The key issues were brine disposal, demineralization, imported water blending and consumer behavior that impact salt loading. There was a long discussion about water softener and membrane water filtration technology. Also, the importance of public education and behavioral changes was discussed. There will be a conference report published within about 60 days and provided to the participants. This is an annual event that John Robertus and Art Coe have attended for several years and continued participation is anticipated.